

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Pankaj K. Jha
Serial No.: 09/881,367
Title: PROGRAMMABLE PROTOCOL PROCESSING ENGINE FOR
NETWORK PACKET DEVICES
Filed: June 14, 2001
Attorney Docket No.: 0325.00483
Examiner: Patel, H.
Art Unit: 2154

CERTIFICATE OF MAILING

I hereby certify that this letter, the response or amendment attached hereto are being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 3, 2005.

By:

Jan M. Dunbar
Jan M. Dunbar

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection of May 3, 2005 in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal by an attorney either of record or acting under 37 CFR 1.34. Even though changes in the dependent claims submitted in the Amendment After Final on June 6, 2005 were not entered by the Examiner, the independent claims were not amended. Therefore, review of the claims in their current form is requested.

REMARKS

Review is requested for the following reasons:

1. The Examiner has clearly made the following errors in the rejection(s).

The Examiner incorrectly rejects the apparatus structure in claim 16 based on the rejection of the method steps in claim 1. In particular, the Examiner appears to argue that the claimed structure comprising (i) a means for reading a pointer, (ii) a means for processing a first parameter and (iii) a means for presenting an outgoing packet is allegedly met by steps disclosed by Ogawa et al. See the rejection in paragraph 7 on page 5 of the May 3, 2005 Office Action and the arguments in the Amendment After Final in the middle paragraph on page 11, the bottom paragraph on page 13 and the middle paragraph on page 15.

2. The Examiner has omitted one or more elements needed to make a *prima facie* rejection.

Regarding independent claims 1 and 16, the Examiner has failed to show that Ogawa et al. disclose a step/means for reading **a pointer for a first parameter** within an incoming packet as discussed in the Amendment After Final starting in the last paragraph on page 9 through the bottom of page 10.

Further regarding claims 1 and 16, the Examiner has failed to show that Ogawa et al. disclose a step/means for **processing the first parameter in accordance with the pointer** to produce a second parameter as discussed in the Amendment After Final starting in the last paragraph on page 11 to the top partial paragraph on page 12.

Further regarding claims 1 and 16, the Examiner has failed to show that Ogawa et al. disclose a step/means for processing the first parameter in accordance with the pointer **to produce a second parameter**. See the discussion in the Amendment After Final starting in the second paragraph on page 12 through the top partial paragraph on page 13.

Further regarding claims 1 and 16, the Examiner has failed to show that Ogawa et al. disclose a step/means for presenting **an outgoing packet containing the second parameter** for a second network as discussed in the Amendment After Final starting at the top of page 14 through the first partial paragraph on page 15.

Regarding dependent claim 7, the Examiner has failed to show that Ogawa et al. disclose at least two of the 18 claimed **processes for the first parameter** as discussed in the Amendment After Final starting on the bottom of page 20 through the top half of page 22.

Regarding dependent claim 14, the Examiner has failed to show that Ogawa et al. disclose a step of selecting among a

plurality of framing methods for a plurality of network protocols as discussed in the Amendment After Final starting near the top of page 24 through the middle of page 25.

Regarding dependent claim 18, the Examiner has failed to show that Ogawa et al. and/or Wilford et al. teach that a means for processing comprises a plurality of peripheral means at least one (i) **linked to the pointer** and (ii) configured to perform **a process involving the first parameter**. See the discussion in the Amendment After Final starting in the middle of page 29 through the bottom of page 30.

3. The Examiner fails to show proper motivation for making the asserted obviousness rejections (35 U.S.C. §103).

Regarding claim 9, the Examiner only provides conclusory statements as alleged motivation to modify the Ogawa et al. reference. See the Amendment After Final, middle paragraph on page 27 through the top partial paragraph on page 28.

Regarding claims 18-20, the Examiner only provides conclusory statements as alleged motivation to combine Ogawa et al. with Wilford et al. See the Amendment After Final, middle paragraph on page 28 through the top partial paragraph on page 29.

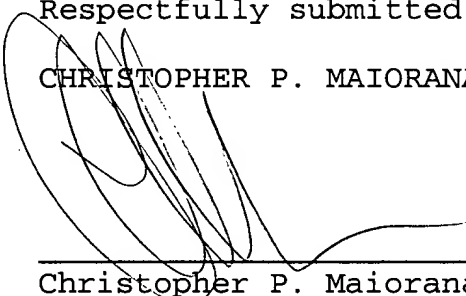
Applicant's representative believes that (i) clear errors exist in the Examiner's rejection of claim 16, (ii) the Examiner has omitted one or more essential elements needed for a *prima facie* rejection of several claims and (iii) only conclusory statements are provided for motivation in the 35 U.S.C. §103 rejections.

The Examiner is respectfully invited to call the Applicant's representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

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Dated: August 3, 2005

Docket No.: 0325.00483